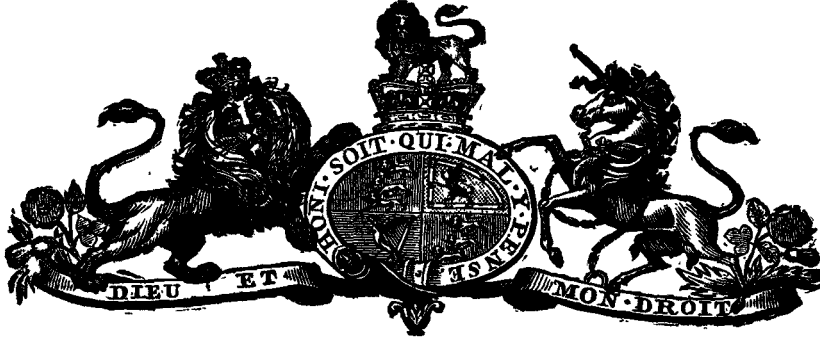


NEW ZEALAND.



TRICESIMO NONO

VICTORIÆ REGINÆ.

No. LVII.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 47 of "Municipal Corporations Act, 1867," amended. 3. Explanation of section 123 of "Municipal Corporations Act, 1867." 4. Repeal of section 144 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof. 5. Section 145 of "Municipal Corporations Act, 1867," amended. 6. Repeal of section 152 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof. 7. Repeal of section 189 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof. 8. Repeal of section 191 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof. 9. Repeal of section 4 of "Municipal Corporations Act Amendment Act, 1872," and part of section 8 of "Municipal Corporations Act Amendment Act, 1874." | <ol style="list-style-type: none"> 10. Amendment of section 239 of "Municipal Corporations Act, 1867." Proviso. 11. Repeal of section 299 of "The Municipal Corporations Act, 1867." Other provisions in lieu thereof. 12. Amendment of section 35 of "The Municipal Corporations Acts Amendment Act, 1871." 13. Saving of elections held, &c. 14. When present office vacant, Mayors of Boroughs to be elected by ratepayers. 15. First election under this Act. 16. How election to take place. Proviso. 17. Extraordinary vacancies. 18. How filled up. 19. Existing Act to apply. 20. Interpretation of term "borough." 21. Repeal of "The Wellington Mayors Act, 1874," "The Wanganui Mayors Act, 1874," and "The Hokitika Mayors Act, 1874." 22. Petition may be presented to Governor praying him to constitute Town of Akaroa a borough. |
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AN ACT to amend "The Municipal Corporations Act, 1867," and the Acts amending the same, and to make other provisions than those at present existing for the Election of Mayors of Boroughs under the said Act. Title.
[18th October, 1875.]

WHEREAS it is expedient to amend "The Municipal Corporations Act, 1867" (hereinafter called "the said Act"), in manner hereinafter provided: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Municipal Corporations Acts Amendment.

Short Title.

1. The Short Title of this Act shall be "The Municipal Corporations Acts Amendment Act, 1875."

Section 47 of "Municipal Corporations Act, 1867," amended.

2. So much of section forty-seven of the said Act as enacts that no person who shall, by resignation ouster or through absence, have ceased to hold the office of Councillor, as in the forty-sixth section of the said Act in each several case provided, shall be re-elected to such office within six months after the time when he shall have so ceased, is hereby repealed.

Explanation of section 123 of "Municipal Corporations Act, 1867."

3. So much of section one hundred and twenty-three of the said Act as enacts that all elections of Assessors and Auditors shall be held in the same manner as in the said Act before provided for with respect to the election of Councillors, and that all the provisions of the Fourth Part of the said Act shall apply in the case of elections under Part V. of the said Act in like manner as in the case of ordinary or other elections of Councillors, as the case may require, shall not be taken to mean that any such election is to be held according to the provisions contained in sections eighty-eight to one hundred and four, both inclusive, of the said Act; but such elections shall be held in all respects as required by law for the election of Councillors.

Repeal of section 144 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof.

4. Section one hundred and forty-four of the said Act is hereby repealed, and in lieu thereof it is enacted as follows:—

Where by the said Act the Council is empowered to do anything by "special order" only, such expression shall be taken to mean that the Council shall proceed as follows, that is to say,—

The resolution to do such thing shall be agreed to by the Council in some meeting whereof special notice has been given. Such resolution shall be confirmed in a subsequent meeting, which shall be held not sooner than twenty-six days after the preceding meeting, and whereof special notice has also been given.

Section 145 of "Municipal Corporations Act, 1867," amended.

5. So much of section one hundred and forty-five of the said Act as enacts that "no business shall be transacted at any special meeting except such as is stated in the notice thereof," is hereby repealed, and in lieu thereof it is enacted "that no business, other than the confirmation of minutes, shall be transacted at any special meeting except such as is stated in the notice thereof."

Repeal of section 152 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof.

6. Section one hundred and fifty-two of the said Act is hereby repealed, and in lieu thereof it is enacted as follows:—The Council shall cause entries of the proceedings of every meeting of the Council, and of every meeting of every Committee appointed by them, with the names of the Councillors who shall attend at each meeting, and the numbers of all Councillors voting on either side upon any question for the decision of which a division shall be called, to be duly made in books to be provided for the purpose, which books shall be kept by the Town Clerk under the superintendence of the Council.

Every such entry of the proceedings of the Council shall be signed by the Mayor if present, or if he be not present by such other person as shall act as Chairman of such meeting, and every such entry of the proceedings of any Committee appointed by the Council shall be signed by the Chairman of such Committee.

Every entry purporting to be such entry as aforesaid, and to be so signed, shall be received as evidence in all Courts, and before all Judges, Justices, and others, without proof of the meeting to which the same shall refer having been duly convened or held, or of the persons attending such meeting having been or being Councillors or members of Committee respectively, or of the signature of the Mayor or person acting as Chairman of such Council or being Chairman of such Committee, or of the fact of his having been Mayor or acting as Chairman of Council or being appointed Chairman of such Committee, all which last-mentioned matters shall be presumed until the contrary is proved.

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The said books shall at all reasonable times be open to the inspection of any of the Councillors or ratepayers, and of any holder of debentures in the said Act and in this Act mentioned, or other creditor of the body corporate.

7. Section one hundred and eighty-nine of the said Act is hereby repealed, and in lieu thereof it is enacted as follows:—

Any by-law under the said Act may be made either by special order of the Council, as herein provided, or by resolution agreed to by the Council in some meeting whereof special notice has been given, and which shall be held not sooner than seven days after a copy of the by-law as proposed shall have been published in some newspaper circulating in the borough.

In making any by-law by special order, it shall be competent for the Council, in confirming the resolution agreed to at the first meeting for making the same, to omit or alter any of the provisions contained in the by-law as agreed to in such resolution, or to add any further or other provisions thereto.

In making any by-law after publication in some newspaper as aforesaid, it shall be competent for the Council to omit or alter any of the provisions contained in the by-law so published, or to add any further or other provisions thereto.

8. Section one hundred and ninety-one of the said Act is hereby repealed, and in lieu thereof it is enacted as follows:—

No by-law of any borough shall be of any force or effect until publication as hereinafter mentioned, that is to say, the by-law or a copy thereof sealed with the seal of the body corporate shall be sent to the Colonial Secretary, to be laid by him before the Governor; and if on the expiration of one month after the by-law shall have been received by the Colonial Secretary the same shall not have been disallowed by the Governor, the same shall forthwith be published in the *New Zealand Gazette*, and shall also be published three times in at least one newspaper circulating in the borough, and from and after the last day of such publication in a newspaper as aforesaid the by-law shall come into operation. The production of such *Gazette* as aforesaid shall be conclusive evidence that such by-law has been duly and properly made, but so that no by-law shall be of any force until published in a newspaper as before prescribed.

9. The fourth section of "The Municipal Corporations Act Amendment Act, 1872," and so much of the eighth section of "The Municipal Corporations Act Amendment Act, 1874," as enacts that the word "by-law" in the fourth section of "The Municipal Corporations Act Amendment Act, 1872," shall be held to include and mean every regulation as well as every by-law made under the authority contained in the said Act when approved and published as therein described, and that the provisions of the said fourth section of "The Municipal Corporations Act Amendment Act, 1872," shall extend and apply to every by-law and regulation made under the authority of "The Municipal Corporations Act Amendment Act, 1874," is hereby repealed.

10. So much of subsection four of section two hundred and thirty-nine of the said Act as enacts that the principal moneys of any such debentures as are mentioned therein shall be payable not later than fifteen years from the issue thereof, is hereby repealed, and instead thereof it is hereby enacted that such principal moneys shall be payable at such times as are mentioned in such debentures, not being later than fifty years from the issue thereof: Provided that the rate of interest to be paid on such sums of money shall not exceed seven per centum per annum.

Repeal of section 189 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof.

Repeal of section 191 of "Municipal Corporations Act, 1867." Other provisions in lieu thereof.

Repeal of section 4 of "Municipal Corporations Act Amendment Act, 1872," and part of section 8 of "Municipal Corporations Act Amendment Act, 1874."

Amendment of section 239 of "Municipal Corporations Act, 1867."

Proviso.

Municipal Corporations Acts Amendment.

Repeal of section 299 of "The Municipal Corporations Act, 1867." Other provisions in lieu thereof.

11. The section numbered two hundred and ninety-nine of "The Municipal Corporations Act, 1867," is hereby repealed, and the following provisions in lieu thereof shall be deemed to be and form part of the said Act, that is to say,—

If the roadway or side paths of any private street or of any part of any private street in any borough, whether heretofore made or hereafter to be made, shall not have been or be made good to the satisfaction of the Council of such borough, such Council may cause the same to be made good to their satisfaction, and the expenses which shall be incurred by the Council in effecting the same shall be charged upon the owners of land abutting on such private street or upon such part of a private street, as the case may be, as shall have been so made good, in the proportion which the frontage to such street or part of such street, as the case may be, of the land owned by each of them bears to the whole frontage of the land chargeable hereunder, and the proportion charged upon each such owner shall be paid by him to the Council within one calendar month after an advertisement requiring payment of the same shall have been published in some newspaper circulating within the borough, and if not so paid shall be recoverable by the Council from such owner in any Court of competent jurisdiction, and the production by or on the part of the Council of a copy of the newspaper containing such advertisement shall be deemed to be conclusive evidence, in any action brought for the recovery of such expenses, of the liability of the owner mentioned therein to the payment of the moneys sought to be recovered; and it is hereby declared that it shall be sufficient in any such advertisement, and in any action brought as aforesaid, in case the name of any such owner shall not be known to the Council, to describe such owner as "the owner of the parcel of land forming or being part of section [*naming it by its number on some public record map*] in the Borough of [*naming the borough*], abutting upon *Street*."

Amendment of section 35 of "The Municipal Corporations Acts Amendment Act, 1871."

Saving of elections held, &c.

12. The word "third," where used in the thirty-fifth section of "The Municipal Corporations Acts Amendment Act, 1871," shall be omitted therefrom, and in lieu thereof the word "second" shall be inserted, and such section shall be read and construed accordingly.

13. No repeal hereby enacted shall be construed to prejudice any election by law, or regulation lawfully held or made before the passing of this Act, or to affect any act matter or thing done or performed before the passing hereof, and every such election by-law regulation act matter or thing shall, notwithstanding such repeal, be as valid and effectual as if this Act had never been passed.

When present office vacant, Mayors of boroughs to be elected by rate-payers.

14. And whereas it is expedient to make other provisions than those which by law now exist for the election of Mayors of boroughs, be it therefore enacted, so soon as the present Mayor of any borough shall, under the provisions of the said Act or of any Act passed subsequently thereto relating to Municipal Corporations in New Zealand, cease to be Mayor of such borough, either by the effluxion of the term of office or from or by any other cause or means, then and from thenceforward the Mayor for the time being of such borough shall be elected in manner hereinafter provided.

First election under this Act.

15. So soon as the present Mayor of any borough shall cease to be Mayor as aforesaid, then, if such vacancy shall occur by effluxion of the term of office, an election shall be held to fill the said office on the day next after the day on which such vacancy shall occur, if such day shall not be a Sunday or a public holiday, and in that case on the following day; and in case such vacancy shall occur otherwise than by effluxion of the term of office, then an election shall be held to fill such office on the fourteenth day next after the day on which such

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vacancy shall occur, if such day be not a Sunday or a public holiday, and in that case on the following day; and the Town Clerk shall notify such vacancy as last mentioned in some newspaper generally circulating within the borough, and that an election will take place to fill the same; and on the day of election in either of the said cases, those persons who for the time being would be entitled to vote in the election of Councillors for the borough shall in manner hereinafter mentioned elect to be Mayor of the borough some person then qualified to be a Councillor for the borough, and the person so elected shall hold the office of Mayor of the borough until the third Wednesday in the month of December next succeeding his election; and on the third Wednesday in the month of December in each year succeeding the year in which a Mayor shall first be elected under the preceding part of this section, if such day shall not be a public holiday, and in that case on the day following, some person so qualified as aforesaid shall in like manner be elected Mayor of the borough for the year then next ensuing.

16. Every election of a Mayor of a borough to be made under the authority of this Act shall be held in the same manner and the proceedings shall be the like as now are or as shall from time to time by law hereafter be required and provided for with respect to the elections of Councillors for the borough, and the candidate who shall have the greatest number of votes shall be deemed and declared to be elected Mayor; and all the provisions of the law now in force relating to the election of Councillors of the borough shall, so far as the same are not inconsistent with the provisions of this Act, apply to elections under this Act: *Provided that, where any borough shall be divided into wards then the candidate who shall have the greatest number of votes in all the wards of the borough taken together shall be deemed and declared to be elected Mayor as aforesaid.*

How election to take place.

Proviso.

17. Every extraordinary vacancy in the office of Mayor of a borough shall be filled up by election as aforesaid as if the same were an ordinary vacancy; but the person elected to fill an extraordinary vacancy shall hold the office of Mayor until the expiration of the current year of office only, and he shall then go out of office.

Extraordinary vacancies.

18. Whenever an extraordinary vacancy shall occur in the office of Mayor of a borough, the persons by whom such vacancy is to be filled up shall, upon a day which shall be notified by the Town Clerk in some newspaper generally circulating within the borough, not being less than eight nor more than fourteen days after the occurrence of such vacancy, and in default of such notification then on the fourteenth day after the occurrence of such vacancy if such day shall not be a Sunday or a public holiday, and then on the following day, elect in manner aforesaid a person qualified as aforesaid to fill such vacancy.

How filled up.

19. Except in regard to the mode of electing the Mayors of boroughs as aforesaid, all the provisions of the said Act, and of all other Acts for the time in force relating to Municipal Corporations of New Zealand, shall, so far as the same are not inconsistent with the provisions of this Act, apply to every Mayor elected for a borough under this Act.

Existing Act to apply.

20. The term "borough," where used in this Act, shall include any city incorporated under the provisions of the said Act or any Act amending the same.

Interpretation of term "borough."

21. "The Wellington Mayors Act, 1874," "The Wanganui Mayors Act, 1874," and "The Hokitika Mayors Act, 1874," shall be and the same are hereby repealed; but the persons who shall be in office as Mayors under any of the said Acts shall remain in office until

Repeal of "The Wellington Mayors Act, 1874," "The Wanganui Mayors Act, 1874," and "The Hokitika Mayors Act, 1874."

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such persons shall cease to hold such office either by effluxion of time or from or by any other cause or means, when a new election shall be held as by this Act provided.

Petition may be presented to Governor praying him to constitute Town of Akaroa a borough.

22. Notwithstanding anything contained in the tenth section of the said Act, a petition may be presented to the Governor by the inhabitant householders of the Town of Akaroa, in the Province of Canterbury, praying the Governor to constitute the said town a borough under the said Act; and it shall be sufficient for the purposes of the said Act if such petition or any counter petition thereto shall be signed by fifty of the inhabitant householders of the said town. Except as by this section provided, all other the provisions of the said Act with respect to petitions presented under the tenth section thereof shall be applicable to any petition presented under this section of this Act.

WELLINGTON, NEW ZEALAND:

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